

UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

LEX-0466-USA

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, D. Wade Walke, entitled Novel Human Enzymes and Polynucleotides Encoding the Same, for a(n):

() Original Patent Application.

(X) Continuing Application (prior application not abandoned):

(X) Continuation () Divisional () Continuation-in-part (CIP)

of prior Application No. 09/775,686, filed on 02/02/2001.

() A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

(X) Specification; 29 Total Pages. () Drawing(s); Total Sheets.

(X) Oath or Declaration:

() A Newly Executed Combined Declaration and Power of Attorney:

() Signed.

() Unsigned.

() Partially Signed.

(X) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

(X) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

() Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

(X) Power of Attorney.

(X) Return Receipt Postcard.

() Associate Power of Attorney.

(X) Sequence Listing (4 pages)

(X) Preliminary Amendment.

() A Certified Copy of Priority Documents (if foreign priority is claimed).

() Applicant claims small entity status.

() Other: Statement under 37 C.F.R. § 1.821 (e)(f) (Seq. Listing 338 pages); Request to make Prior Art from Previous Application of Record, with Exhibit A (copies of Form PTO1449(s) from Previous Application; Copy of Assignment from Previous Application; Nonpublication Request; Petition for Extension of Time in Parent Case(Original & Copy) .

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	5	0	\$18.00	\$0.00
Independent Claims	5	2	\$86.00	\$172.00
Multiple Dependent Claim Fee (if applicable)				\$0.00
Assignment Recording Fee (if applicable)				\$0.00
Basic Filing Fee				\$770.00
Total Filing Fee				\$942.00

Please charge \$ 942.00 to Deposit Account No. 50-0892 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to this Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By:

Lance K. Ishimoto
Lance K. Ishimoto, Attorney of Record, Reg. No. 41,866

Date: November 9, 2003

Correspondence Address:

Lexicon Genetics Incorporated
8800 Technology Forest Place
The Woodlands, TX 77381

Phone: 281-863-3333

Fax: 281-863-3335

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents
Mail Stop Patent Application
USPTO
PO Box 1450
Alexandria, VA 22313-1450

By:

Michelle Klein
Typed Name: Michelle Klein

Express Mail Label No.: EV135368544US

Date of Deposit: December 9, 2003

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Walke, et al.	
Title	Novel Human Enzymes and Polynucleotides Encoding the Same	
Atty Docket Number	LEX-0466-USA	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 9, 2003

Date

Lance K. Ishimoto *Reg No 40162*
Signature

Lance K. Ishimoto

Reg. No. 41,866

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing.**

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**